

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In Re:

Joel Collins,  
Debtor(s).

Case No. 13-35577-PP  
Chapter 7

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NOTICE OF TRUSTEE'S MOTION FOR ORDER TO SHOW CAUSE

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**NOTICE** is hereby given that Titania D. Whitten, trustee in this case ("Trustee"), has filed a motion with the Court requesting an Order to Show Cause pursuant to 11 U.S.C. §105, attached hereto and as described below:

**OBJECTIONS.** If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, then on or before **October 17, 2014**, you or your attorney must file with the Court a written response which explains your position at:

Clerk of the U. S. Bankruptcy Court  
Room 126, Federal Courthouse  
517 E. Wisconsin Avenue  
Milwaukee, WI 53202

Any response must be mailed early enough so the Court will receive it prior to the date set forth above. You must also mail a copy to:

Office of the U. S. Trustee  
517 E. Wisconsin Avenue  
Room 430  
Milwaukee, WI 53202

Titania D. Whitten, Trustee  
3333 N. Mayfair Road  
Suite 212  
Wauwatosa, WI 53222

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

**Your rights may be affected.** You should read this notice carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Dated this 23<sup>rd</sup> day of September, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

**Titania D. Whitten**

**Chapter 7 Trustee**

Law Offices of Whitten and DuSell, LLC

3333 N. Mayfair Road, Suite 212

Wauwatosa, WI. 53222

P: 414-431-0007; F: 414-431-0038

[trustee@whittendusell.com](mailto:trustee@whittendusell.com)

**Titania D. Whitten, Trustee**  
**3333 N. Mayfair Road**  
**Suite 212**  
**Wauwatosa, WI 53222**  
**Telephone (414) 431-0007**  
**Facsimile (414) 431-0038**  
**[trustee@whittendusell.com](mailto:trustee@whittendusell.com)**

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EASTERN DISTRICT OF WISCONSIN

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MOTION BY TRUSTEE FOR ORDER TO SHOW CAUSE

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Titania D. Whitten, trustee of this case, request the Court issue an Order to Show Cause pursuant to 11 U.S.C. §105 for Joel Collins to show why he shouldn't be sanctioned for violating the Court's Order dated August 21, 2014 and alleges as follows:

1. On December 3, 2013, Debtor filed for relief under Chapter 7 of the Bankruptcy Code.
2. The Trustee was appointed by the Office of the United States Trustee as trustee for the above-captioned case.
3. A Motion to Turnover Funds was filed on July 21, 2014 requested the Debtor turnover funds from his 2013 state and federal tax refunds.
4. An Order granting the Motion to Turnover was signed on August 21, 2014 giving the Debtor ten days from that date to provide the 2013 state and federal tax refunds.
5. As of today's date, the Debtor has not provided the requested funds.
6. Trustee has made several calls to Debtor's counsel requesting the status of the refund to no avail.

Wherefore, the trustee requests the Court issue an order as to why the Debtor should not be sanctioned for willfully violating the Court's Order dated August 21, 2014, and for such fines or monetary penalties for the Bankruptcy estate in an amount to be determined by the court. The trustee does not intend to file a brief in connection with this motion but reserves the right to file a responsive brief if necessary.

Dated this 23<sup>rd</sup> day of September, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Titania D. Whitten  
Chapter 7 Trustee  
Law Offices of Whitten and DuSell, LLC  
3333 N. Mayfair Road, Suite 212  
Wauwatosa, WI. 53222  
P: 414-431-0007; F: 414-431-0038  
trustee@whittendusell.com

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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In re: Joel Collins,

Case No.: 13-35577-PP

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**AFFIDAVIT OF MAILING**

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STATE OF WISCONSIN     )  
  ) SS  
MILWAUKEE COUNTY     )

Titania D. Whitten, being sworn states that on September 23, 2014 mailed properly enclosed in a postpaid envelope, copy of the Notice and Motion for Order to Show Cause that was filed with the court, to the following named persons at their proper post office address after their respective addresses:

Joel Collins  
430 Smythe Drive  
Williams Bay, WI 53191

Atty Jeffrey Hahn (via electronic)  
125 N. Second Street  
P.O. Box 897  
Delavan, WI 53115

Office of the U.S. Trustee (via electronic)  
517 E. Wisconsin Avenue, Room 430  
Milwaukee, WI 53202

US Bankruptcy Court  
US Courthouse, Room 126  
517 E. Wisconsin Avenue  
Milwaukee, WI. 53202

Subscribed and sworn to before  
me this 23<sup>rd</sup> day of September, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Judith L. DuSell  
Notary Public, State of Wisconsin  
My commission is permanent.

\_\_\_\_\_/s/\_\_\_\_\_  
Titania D. Whitten  
Chapter 7 Trustee  
Law Offices of Whitten and DuSell  
3333 N. Mayfair Road, Suite 212  
Milwaukee, WI. 53222  
P: 414-431-0007; F:414-431-0038